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CORTEZ, COLORADO (USPS 360-960)

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According to a 1997 inspec-
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— has also failed. The runoff
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the discharge permit. The
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Creek since Rico draws its
water upstream from that
point, the report says.

A federal complaint was
filed last summer against the
Rico Development Corpora-
tion, the now-dissolved
group of land speculators who
previous held a permit to
operate the treatment system.
That permit has since
expired, and inspections by
the Colorado Water Quality
Control Division in 1997
reveal that the entire opera-
tion has been abandoned,
with untreated waste water
flowing into the watershed at
both tunnels, a violation of
the requirements outlined in
Federal Clean Water Act
regarding mine clean-up.

The civil complaint accuses
RDC's former owner, Wayne
Webster, and its former secre-
tary, Virginia Sell, with failing
to monitor and report the dis-
charge pollutants that include
arsenic, silver, zinc, cadmi-
um, copper and lead into the
Dolores River and nearby
Silver Creek. The EPA, along
with the federal government
and the state of Colorado, is
in the process of negotiating a
settlement agreement with
RDC to deal with the problem,
with a deadline of May 2,
Heimdal said.

RDC is disputing ownership
of the original permit, issued
by the Colorado Department
of Health and Environment,
arguing that they included the
waste-water treatment plant
and ponds to Rico Properties,
LLC, in 1994. Rico Properties

has since issued a "correction
warranty deed" claiming that
the two mine tunnels and
treatment system were not
part of the original deal.

Despite the obvious prob-
lems at the site, water-quality
tests at the discharge point of
the last pond show that the
system is safely diluting up
the waste water that has not
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has yet to fill the ponds,
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on already weakening soil
barriers. That prompted the
EPA to take immediate action.

"We saw photographs last
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up fast," Heimdal said. "Our
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EPA responds to repair failing mine-taili

BY JIM MIMIAGA

The Environmental Protection Agency is moving quickly to repair mine-tailing ponds that threaten to spill thousands of gallons of toxic sludge into the Dolores River near Rico, the Denver office reported Thursday.

On Friday a team of engineers operating under the EPA's Emergency Response Program arrived at the site of two mine-tailing ponds that have been overflowing the banks of a neglected wastewater treatment system, in order to evaluate the problem, confirmed Monica Heimdal, an environmental engineer with the EPA.

"The team will evaluate the integrity of the berms and decide what type of immediate

remedial action needs to be taken," Heimdal said. "The emergency response program has contractors available to do that type of work."

Nobody else dares to take care of the problem for fear of getting caught up in a liability fight that resulted in the abandonment of a series of 11 settling ponds in 1996. When operational, the system is designed to clean up toxic levels of heavy minerals that drain every spring from two tunnels left over from the old Rico Argentine silver mine before discharging it back into the river.

At least two of those ponds draining the now collapsed St. Louis tunnel have backed up, causing a steady flow of untreated, rust-colored waste water to flow directly into the

Dolores River. That is a major concern for the town of Rico and other downstream users, including Dolores and Cortez, which derive their municipal water either directly from the small mountain river or from McPhee reservoir.

According to a 1997 inspection by the Colorado Water Quality Control Division in Durango, a concrete diversion barrier that is supposed to direct mineral-laden runoff from the Blaine Mine Tunnel away from Silver Creek — a tributary of the Dolores that is Rico's municipal water source — has also failed. The runoff should be directed to the St. Louis Tunnel and on to the settling pond operation, but the breach is now allowing orange sludge to flow into Silver Creek, in violation of

the discharge permit. The source is not negatively affecting water quality in Silver Creek since Rico draws its water upstream from that point, the report says.

A federal complaint was filed last summer against the Rico Development Corporation, the now-dissolved group of land speculators who previously held a permit to operate the treatment system. That permit has since expired, and inspections by the Colorado Water Quality Control Division in 1997 reveal that the entire operation has been abandoned, with untreated waste-water flowing into the watershed at both tunnels, a violation of the requirements outlined in Federal Clean Water Act regarding mine clean-up.

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The civil complaint accuses RDC's former owner, Wayne Webster, and its former secretary, Virginia Sell, with failing to monitor and report the discharge pollutants that include arsenic, silver, zinc, cadmium, copper and lead into the Dolores River and nearby Silver Creek. The EPA, along with the federal government and the state of Colorado, is in the process of negotiating a settlement agreement with RDC to deal with the problem, with a deadline of May 2, Heimdal said.

RDC is disputing ownership of the original permit, issued by the Colorado Department of Health and Environment, arguing that they included the waste-water treatment plant and ponds to Rico Properties, LLC, in 1994. Rico Properties

has since issued a "correction warranty deed" claiming that the two mine tunnels and treatment system were not part of the original deal.

Despite the obvious problems at the site, water-quality tests at the discharge point of the last pond show that the system is safely diluting up the waste water that has not managed to leak over the two berms. Spring runoff, which has yet to fill the ponds, would put even more pressure on already weakening soil barriers. That prompted the EPA to take immediate action.

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